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ABSTRACT

This paper outlines the challenges that CEE (Central and Eastern European) librarians have met and some of their solutions. The introduction presents two examples of guidelines for the licensing of electronic information: the IFLA (International Federation of Library Associations and Instructions) licensing principles and the TECUP (Testbed implementation of the European Copyright User Platform framework) Memorandum of Understanding. The second section describes Project CELIP (Central and Eastern European Licensing Information Platform), a project to support the development of the professional skills of librarians in CEE countries; milestones, expected results, use of electronic publications, and licensing agreements are summarized. The third section provides examples of licensing agreements in CEE countries, including consortia in the Czech Republic and the eIFL (Electronic Information for Libraries) direct program in CEE countries. The conclusion lists some common traits of the licensing situation in all consortia in CEE countries. (MES)

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Licensing Issues for Central and Eastern European Libraries

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Abstract:

Licensing for any library can be complicated but when you are also dealing with a different culture and language, it can become even more complex. The speaker will outline the challenges that Central and Eastern European librarians have met and some of their solutions.

1. Introduction

Licensing of electronic resources is not a totally new topic for libraries. Libraries, particularly research and academic libraries were faced with licenses already several decades ago, when access to online databases was first offered either by hosts such as Dialog, or commercial databases were acquired on tapes for in-house implementation. Central and Eastern European (CEE) countries took part in that development; in Slovenia (which was at that time still a part of Yugoslavia) databases like INSPEC, COMPENDEX, etc. were for example first available in the early 70's.

Late 90's brought an unprecedented development of electronic resources both in variety and quantity. Worldwide more and more information is offered by different providers (publishers) in the form of electronic resources ranging from bibliographic databases to full-text electronic journals and Web pages. For the first time libraries of all types and sizes are acquiring electronic resources or access to resources and consequently they are faced with new kinds of complex business arrangements with information providers.

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The use of electronic information is defined and described by contractual agreements with information providers. These agreements are usually called licenses. Libraries continue their traditional role as mediators between users and information providers, this role persists even more energetically for electronic information than for print, as mentioned in the IFLA press release[1] announcing the approval of licensing principles.
Because of its importance as a means of gaining access to commercially available digital information, licensing was and still is the focus of many discussions. As the result, libraries now have guidelines to help them negotiate.. Two recent examples can be mentioned: IFLA Licensing Principles[2] and Memorandum of Understanding[3] of TECUP project. The latter is an important achievement, because it is a result of mutual discussion of all partners involved.

The Executive Board approved IFLA licensing principles in March 2001. In the introduction, the need for effective, well-balanced national copyright legislation is emphasised, "not only to recognise the copyright owner's need for remuneration and recognition, but also the critical purposes of public information, education and research. This balance,..., must find expression in all information resource licenses". Among principles, the most important are:

- Licence terms and conditions must be fully available to customers in advance and every license is subject to discussion of terms and to negotiation
- Licenses should not exclude any statutory rights granted by applicable copyright law
- Licences should be negotiated and written in the primary language of the library customer
- The licence should balance the rights and responsibilities of both parties

Additionally, education of users about proper use of electronic resources is stressed, as well as fair pricing in order to encourage use. Provisions for interlibrary loan, support for local teaching and distance learning have to be included as well.

The TECUP Memorandum of Understanding has a similar aim: "to facilitate access to electronic content and promote cost effective use by encouraging simple and workable solutions". It lists the contents of a typical license agreement:

- Access for all authorised users irrespective of their location
- Access to walk-in users on-site
- Unlimited viewing, downloading and printing for non-commercial, educational and scientific purposes
- Interlibrary loan

A list of issues for future cooperation is added: electronic interlibrary document supply, cross searching, rights management systems, continuing access and long-term archiving, development of new business models. On these subjects, a mutual consensus was reached.

"Consortium" is another term closely associated with acquisition of electronic resources. A library consortium is a group of two or more libraries that have agreed to cooperate in order to achieve a common objective. Of course libraries have formed consortia in order to cooperate long ago; over 100 years ago the first library consortia were formed in the United States[4]. In the beginning libraries worked together in collection development and resource sharing, later consortia for cooperative cataloguing were organised. Over the last decades several consortia were formed around automated systems and use of information technology. Recently, libraries are again forming consortia to acquire electronic resources. It has to be mentioned, though, that the term "consortium" is used to describe very different things: from informal groups of cooperating libraries to formal organisations, based on contracts and with an organisational structure.

2. Project CELIP

Project Central and Eastern European Licensing Information Platform (CELIP) is coordinated by EBLIDA (European Bureau of Library, Information and Documentation Associations) and funded by the European Commission, DG Information Society. It started in November 2000 and its main goal is to support the development of the professional skills of librarians in CEE countries. Librarians of 10 countries are participating: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia.

During the project, workshops will be organised in all participating countries. The objective is to raise awareness of librarians about the implications of licensing issues when providing electronic services. This action will build upon the preceding projects ECUP (European Copyright User Platform)[5], ECUP+, and CECUP (CEE Copyright User Platform)[6]. Further discussions on user rights in the electronic environment will be organised with librarians and right owners in CEE countries, using here the good results of initial contacts established under CECUP. National representatives will be targeted. Use of the CECUP position paper on licensing principles and other licensing models will be encouraged as a code of good practice when negotiating licenses. The pan-European Focal Point (Website and e-list) for copyright & licensing questions, as well as information on EU legislative developments will be promoted. The current position of CEE libraries with regard to licensing will be discussed.

A Steering Group was established, consisting of representatives of all the participating library associations, to act as the network core and national licensing information will be disseminated actively a the international level.

The milestones and expected results are:

- A report on the licensing situation in CELIP countries.
- Ten licensing workshops in the CELIP countries, after which awareness about national and international licensing issues and developments will be substantially higher.
- Negotiations with right owners to obtain a better mutual understanding.
- International awareness about the project and its results. Liaison with TECUP project.

At the beginning of the project a survey of the licensing situation in participating countries was made. The preliminary report [7] was prepared by Tuula Haavisto, CELIP project coordinator. Some of the results are tabulated below.

Table 1 shows the rough estimations of the usage of electronic materials in CEE libraries. The informants point out, that the numbers are really estimates; few countries have reliable exact data and some have not yet provided any data.

Table 1: Use of electronic publications

Which % do use this media type (estimation)	CD-ROMs & multimedia works			Electronic full-text journals			Electronic bibliographic databases		
	Acad. Libr.	Public Libr.	Spec. Libr.	Acad. Libr.	Public Libr.	Spec. Libr.	Acad. Libr.	Public Libr.	Spec. Libr.
Bulgaria	80%	10%		50%	10%		50%	10%	
Czech Republic									
Estonia									
Hungary	90%	80%	90%	60%	Low%	40%	90%	40%	40%
Latvia									
Lithuania	100%	80%	100%	100%	30-40%	100%	>90%	20-30%	>80%
Poland									
Romania*	40%	10%	30%	20%	10%	n.a.	50%**	20%**	30%**
Slovakia	90%	30%	70%	90%	20%	70%	90%**	20%**	80%**
Slovenia	100%	60%	60%	70%	10%	20%	70%	10%	30%

* concerning Romania, the amounts are excluding the eIFL Direct programme, which is widely used.

** the amounts of libraries using electronic databases refers mainly to free-of-charge electronic databases.

Table 2: Licensing agreements

Do single libraries make licensing agreements conc. This material?	CD-ROMs & multimedia works			Electronic full-text journals			Electronic bibliographic databases		
	Acad. Libr.	Public Libr.	Spec. Libr.	Acad. Libr.	Public Libr.	Spec. Libr.	Acad. Libr.	Public Libr.	Spec. Libr.
Bulgaria	yes	yes	-	no	no	-	no	no	
Czech Republic									
Estonia	yes	-	yes	yes	no	yes	yes	no	yes
Hungary	yes	no	yes	yes	no	yes	yes	yes	yes
Latvia									
Lithuania	yes	few	yes	yes	few	yes	yes	few	yes
Poland									
Romania	yes	no	no	no	no	no	no	no	no
Slovakia*	*	*	*	*	*	*	*	*	*
Slovenia									

* some libraries in **Slovakia** have made occasional single agreements

Table 2 shows that many libraries in CEE countries have been exposed to licensing.

Licensing consortia are becoming more and more common in CEE countries. The use of licensed electronic material began in many cases in individual libraries, which made single agreements with vendors. The idea of joining forces awoke in those cases very easily, and led to several small consortia, each around one vendor and its material. Another model is to add licensing matters to the agenda of an existing consortium, which usually have been born around cataloguing. The third start model is to form a consortium thanks to an initiative from a vendor.

3. Examples of licensing agreements in CEE countries

3.1 Consortia in the Czech Republic

As described by Pilar[8], the situation in the Czech Republic regarding library consortia is typical for CEE countries. The term "consortium" is not used in the Czech legal system, although (under provisions for associations) "a number of bodies can associate in order to jointly achieve an agreed objective". Consortia are therefore founded as open associations of information services mostly in order to provide access to expensive information sources under better conditions than those available to individual organisations.

The process started in the late 90's and therefore there is not much experience either in the formation of consortia or selection of information providers and products. The author states that the lack of experience in licensing and lack of long-term funding guarantee are the most important obstacles for library consortia.

The author lists some examples of consortia, organised for access to information resources:

- EIFL-Direct (EBSCO electronic journals)
- TAMTAM database users (Czech newspapers and databases by Anopress)
- Web of Science (ISI databases)
- Science Direct (Elsevier journals)
- OCLC FirstSearch
- CrossFire Beilstein
- COMPENDEX, INSPEC, Metadex, ICONDA databases
- MathSci
- ProQuest and PCI Web
- BIOSIS

Some of the consortia are managed by the National Library, others by the Library of the Academy of Sciences and universities.
After describing some very successful consortia a list of problems is added:

- Insufficient exchange of information between consortia
- Lack of organisational platform for co-ordination of present activities and preparation of new on
- Lack of integration of acquired electronic resources with library catalogues and other bibliographic databases
- Absence of long-term policy of funding bodies (government)
- Systematic evaluation of acquired electronic resources and their use and user feedback

3.2 eIFL Direct programme in CEE countries

eIFL Direct programme (Electronic Information for Libraries) is a project of the Open Society Institute (OSI, or Soros Foundation), which offers a platform for the use of electronic material. OSI in Budapest has negotiated on behalf of all the 39 countries where OSI is active, a framework licensing agreement and price level with EBSCO. eIFL is available in all CELIP countries. The agreement covers access to six databases: Academic Search Elite, Business Source Premier, Newspaper Source Plus, MasterFILE Premier, Comprehensive MEDLINE Plus Full-Text and Health Source Plus - all in all over 3.200 journals primarily in the social sciences and humanities. Newspapers, pamphlets, and a small range of full-text reference books are also included. The material can be accessed via the web or in CD-rom/DVD-rom formats.

In the beginning there was come criticism regarding the selection of the material available, which was originally offered as a ready-made package. For the year 2001, the participating libraries can send their

proposals for the journal selection. E.g. some Romanian libraries wished more mathematical-technical journals, and this led to a positive result.

OSI offers this material to be used in different publicly financed libraries, and in other non-governmental organisations supported by OSI. The concrete arrangements must be done and the fee to EBSCO must be paid in each country separately. In some of them the government is paying for all the concerned libraries, in some other countries the payment is collected from the libraries. In most countries libraries have founded consortia to manage their eIFL resources.

A special feature of the eIFL Direct programme is that it is open for public libraries as well. Thanks to this, public libraries in the concerned countries are nowadays more experienced in licensed web material than their counterparts in most Western European countries.

The positive impact of the programme could be seen in the first CELIP workshop in Bucharest in April 2001. It has given more concrete awareness of electronic resources, and the CELIP information had better possibilities to be absorbed. The reaction in Romanian libraries towards eIFL has been very positive. The same can be said for the Czech Republic: according to Pilar especially students get oriented very fast in search process and require no training.

OSI provides also a training programme for librarians in use of electronic resources. The second round of training began in April 2000.

Table 3: The usage of eIFL in the CELIP countries

Country	Number of part. libraries in 2000	Number of part. libraries in 2001 (situation 2/2001)	Who is paying for the material
Bulgaria	50 out of the 71 user institutions	Under negotiation	2000 - OSI/BG 2001 - libraries
Czech Republic	Countrywide	Countrywide	Government
Estonia	9	12	Libraries
Hungary	N.a.	N.a.	N.a.
Latvia			
Lithuania	33	33	OSI/Lithuania, government, libraries
Poland			
Romania	100% of univ.40% of public, 80% of spec.libr.	100% of univ., 60% of public & 80% of spec.libr.	The participating libraries
Slovakia	101	150	The libraries*
Slovenia	60	60+x	Government

* in **Slovakia**, there are plans to find common resources from two ministries and from the State Fund of Health.

4. Conclusions

Any attempt in making a short and simple summary of the licensing situation in all consortia in all CEE countries would result in extreme over-generalization. There are specific problems and the situation is definitely not identical in all cases. On the other hand there are some common traits that can be listed, particularly:

- Fast development of technology makes long-term planning difficult both for information providers and libraries
- Lack of experience in licensing
- Lack of experience in dealing with foreign partners, including difficulties due to language (mostly English), and different law traditions in licensors' and licencees' countries
- Lack of experience in tender preparation
- Instability of the electronic resource market (vendors merge or change ownership, changes in marketing policy…)
- Lack of long-term commitment of funding bodies (mostly government) and lack of financial stability of libraries in general

Libraries cannot influence or solve all of the listed problems. It is therefore necessary to focus on the areas of licensing and contracts with foreign companies. It can be expected that more and more lawyers in CEE countries will specialise in that area, so libraries will be able to get help in legal matters. Another important issue is education of librarians in licensing matters. Projects like CELIP are a step in that direction. Library schools will have to include that topic into their curricula and programs of permanent and continuing education.

Librarians have to learn that they are equal partners in the negotiation process and they do not have to accept all terms set by the vendor. Both IFLA Licensing Principles and TECUP Memorandum of Understanding will be very helpful in that. Additionally, exchange of information on licensing agreements both nationally and internationally could provide good examples and guidance in negotiations.

Finally, where access to information is included into the national information society policy (e.g. Czech Republic, Slovenia), libraries gained better government support for acquisition of electronic resources.

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